

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

MARCUS ALLEN,

Movant,

v.

CIVIL ACTION NO. 3:16-5570
CRIMINAL ACTION NO. 3:09-00136

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court grant Movant's "Motion to Voluntarily Dismiss § 2255 Motion" (ECF No. 102), deny as moot the United States' Motion to Dismiss and Suspend Briefing Schedule (ECF No. 94), dismiss Movant's "Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody" (ECF No. 85), and remove this matter from the Court's docket. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **GRANTS** Movant's "Motion to Voluntarily Dismiss § 2255 Motion" (ECF No. 102), **DENIES as moot** the United States' Motion to Dismiss and Suspend Briefing Schedule (ECF No. 94), **DISMISSES** Movant's "Motion Under 28 U.S.C. § 2255 to Vacate, Set

Aside or Correct Sentence by a Person in Federal Custody” (ECF No. 85), and **REMOVES** this matter from the Court’s docket, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: May 23, 2017



ROBERT C. CHAMBERS, CHIEF JUDGE